

**CHIROPRACTIC EXAMINING BOARD
MINUTES
AUGUST 4, 2005**

PRESENT: Steven Conway, Char Glocke , Susan Feith, Wendy Henrichs,
James Weber, Steven Silverman

EXCUSED: None

STAFF PRESENT: Jeff Scanlan, Director of Health Service Professions; Dennis Schuh,
Legal Counsel, Gina York, Bureau Assistant, and Division of
Enforcement and other staff

GUESTS: Jason Johns, WPTA/WDA; Bill Boissonnault, WPTA;
Amy Schubert, WPTA; Paul Merline, WAHP; and
Shirley Greenwald, Self

CALL TO ORDER

James Weber, Chair, called the meeting to order at 8:02 a.m. A quorum of six members was present.

APPROVAL OF AGENDA

Additions to the Agenda:

- Open Session: After Item G. – Add Discussion and Next Steps Regarding Changes to the Statutes Regarding Nutritional Counseling
- Closed Session: After Monitoring Received After the Mailing of the Agenda – Add Name(s): Harold Dykema. D.C.

MOTION: Char Glocke moved, seconded by Wendy Henrichs, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JUNE 23, 2005

Amendments to the Minutes:

- In Header: Correct Spelling of word Minutes

MOTION: Wendy Henrichs moved, seconded by Char Glocke, to approve the June 23, 2005 minutes as amended. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS

Attorney Jeanette Lydl presented one stipulation to the Board regarding Jeffrey Wilder, D.C. (LS 412016 CHI; 01 CHI 034; & 02 CHI 033) at today's meeting.

PRESENTATION OF PROPOSED STIPULATIONS THAT MAY BE SIGNED AFTER MAILING OF AGENDA

None.

COPY OF APPROVED 2006 MEETING DATES

At today's meeting, the Board received a copy of the approved 2006 meeting dates for their records.

ADMINISTRATIVE REPORT

Jeff Scanlan, Director of Health Service Professions, informed the Board that the new DRL Secretary, Celia Jackson will briefly address the Board at today's meeting and that a new Executive Assistant, Larry Martin, has been appointed and is replacing former DRL staff Christopher Klein. The budget has been signed by the Governor. There will not be an attorney consolidation and therefore the Board will keep its legal counsel. We have discovered there has been a policy change in the budget regarding nutritional counseling and this topic will be addressed later in today's meeting. The building renovations are continuing with completion by the fall of this year.

INTRODUCTION TO CELIA JACKSON

Jeff Scanlan introduced Secretary Jackson to the Board. Secretary Jackson shared that she has been with the Department for three months, and wanted to meet with all Examining Boards and its members, to discuss any suggestions or input on ways the Department can assist them. Secretary Jackson thanked the Board for all of its fine work and is looking forward to working together and emphasized her open door policy. She will also ask Larry Martin to stop in today and meet the Board.

REVIEW FOR APPROVAL OF CHIROPRACTIC REGULATORY DIGEST

The Board reviewed the final version of their regulatory digest and made a couple of small changes. Jeff Scanlan, Director of Health Service Professions, will make the revisions indicated by the Board.

MOTION: Steven Conway moved, seconded by Wendy Henrichs, to approve the regulatory digest as revised and to post it on the DRL Website. Motion carried unanimously.

**SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND
ADMINISTRATIVE RULES AND PRESS RELEASES
DENNIS SCHUH**

Dennis Schuh, Legal Counsel, reviewed the summary reports at today's meeting and was available to answer questions of the Board surrounding these reports at today's meeting.

**STATUS REPORT ON RULES AND STATUTES
DENNIS SCHUH**

Dennis Schuh, Legal Counsel, provided an update regarding the status of rules and statutes at today's meeting.

**REVIEW OF PUBLIC HEARING TESTIMONY FROM DECEMBER 2001
REGARDING RULE 01-118: SCOPE & PRACTICE DEFINITION**

The Board reviewed the public hearing testimony that was submitted from December 2001 regarding rule 01-118 related to the scope and practice definition. There was a brief discussion and the Board took the following action at today's meeting.

MOTION: Wendy Henrichs moved, seconded by Steven Conway, to table this rule to a future Board meeting for further discussion and consideration. Motion carried unanimously.

**CLEARINGHOUSE RULE 02-020: CHIROPRACTIC PHILOSOPHY;
REQUESTED INFORMATION ON ACCEPTANCE OF CE PHILOSOPHY
BY STATES**

The Board discussed philosophy courses at today's meeting. The Board felt that those courses being offered which include the clinical component and have the application of the art and the science of chiropractic could be beneficial. After a lengthy discussion, the Board took the following action.

MOTION: Wendy Henrichs moved, seconded by Steven Conway, to withdraw the scope statement. Motion carried unanimously.

CHANGES TO CHIR 5: INTERNET CE, OFFERINGS FROM ACCEPTED POST GRADUATE SCHOOLS AND COLLEGES OF CHIROPRACTIC FOR CONSIDERATION OF DRAFT RULES

The Board reviewed the draft rule changes to Chir 5 regarding internet CE offerings from accepted post-graduate schools and colleges of Chiropractic. After a significant discussion, the Board requested Dennis Schuh, Legal Counsel, to incorporate the specific recommendations and make revisions to the proposed language. Attorney Schuh will provide a new draft for review at the next Board meeting.

PENDING CHANGES TO STATUTES REGARDING NUTRITIONAL COUNSELING AND CORRESPONDENCE FROM NORTHWESTERN UNIVERSITY

The Board reviewed and discussed the new legislation that was just passed in the budget bill regarding nutritional counseling. With this new statute, the administrative rule Chir 4.05 will need to be reviewed by the Board to consider if a possible revision is required. The Board will need to explore the impact of this legislation, decide what needs to be done, and how to implement this new statute. The Board took the following action at today's meeting.

MOTION: Steven Conway moved, seconded by Steven Silverman, to request Jeff Scanlan to prepare a scope statement to address the new legislation 2005, Act 25, regarding nutritional counseling. Motion carried unanimously.

PRECEPTORS FOR APPROVAL

The Board reviewed the list of preceptors provided by Credentialing for the Board's approval. The list included the following individuals: Lynn Thompson, D.C.; Andrew Krueger, D.C.; Katherine Gress-Volpentesta, D.C.; Todd Ponick, D.C.; and Paul Riegleman, D.C.

MOTION: Char Glocke moved, seconded by Susan Feith, to approve the preceptors as presented at the August 4, 2005 meeting. Motion carried unanimously.

PRECEPTOR APPROVAL FOR REQUESTS RECEIVED AFTER THE PRINTING OF THE AGENDA

None.

DISCUSSION REGARDING RHODE ISLAND CHIROPRACTOR ORDERED TO HALT BLOOD TESTS

The Board discussed the information received regarding a Rhode Island Chiropractor that was ordered to halt blood tests. After some discussion, the Board requested that this topic be addressed in the next regulatory digest. Jeff Scanlan, Director of Health Service Professions, will include an article on this topic in the next digest publication for the Board's review and approval.

OPPORTUNITY TO PROPOSE REVISIONS TO THE CCE STANDARDS

There was no action taken by the Board regarding this issue.

INFORMATIONAL ITEMS CORRESPONDENCE TO BOARD CHAIR AND DRL

The Board reviewed correspondence received by the James Weber, Chair, and in the Department of Regulation and Licensing. Jeff Scanlan, Director of Health Service Professions, will respond on behalf of the Board to the two letters identified at today's meeting regarding Harold Dykema.

CORRESPONDENCE AND PHONE INQUIRIES BY LEGAL COUNSEL

Attorney Schuh will respond on behalf of the Board to any correspondence and phone inquiries as requested at today's meeting.

CONSULTING WITH LEGAL COUNSEL

The Board consulted with Dennis Schuh, Legal Counsel, throughout today's meeting as needed.

VISITOR COMMENTS

Noted.

CONVENE TO CLOSED SESSION

MOTION: Steven Conway moved, seconded by Wendy Henrichs, to adjourn to closed session pursuant to Wisconsin state statutes 19.85(1)(a)(b)(f) and (g) to consult with Legal Counsel regarding the Suit by WCA, deliberate on proposed stipulations, deliberate on proposed administrative warnings, deliberate on monitoring issues, application review, monitoring report and DOE case status reports. Motion carried by roll call vote: Steven Conway-yes; Susan Feith-yes; Wendy Henrichs-yes; Char Glocke-yes; Steven Silverman-yes; and James Weber-yes.

Open Session recessed at 10:46 a.m.

RECONVENE TO OPEN SESSION

MOTION: Wendy Henrichs moved, seconded by Steven Conway, to reconvene into open session at 1:49 p.m. Motion carried unanimously.

MONITORING

APPEARANCES BEFORE THE BOARD

JOHN JAGUSCH, D.C.

MOTION: Steven Conway moved, seconded by Steven Silverman, to deny reinstatement of licensure to John Jagusch, D.C. Reason for Denial: Dr. Jagusch has a felony conviction substantially related to the practice of chiropractic. James Weber did not participate during the appearance, deliberation, or voting at today's meeting. Abstained – James Weber. Motion carried.

REQUESTS FOR REINSTATEMENT OF HIS LICENSE

RICHARD HORAITIS, D.C.

MOTION: Steven Conway moved, seconded by Char Glocke, to reaffirm the Board's decision regarding Richard Horaitis, D.C. Motion carried unanimously.

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**DELIBERATION OF MONITORING ISSUES THAT MAY BE RECEIVED AFTER
MAILING OF AGENDA**

HAROLD DYKEMA, D.C.

MOTION: Steven Conway moved, seconded by Steven Silverman, to deny the mentors submitted for Harold Dykema, D.C. James Weber did not participate during deliberation or voting at today's meeting. Abstained – James Weber. Motion carried.

MOTION: Steven Conway moved, seconded by Steven Silverman, to offer Peter Vrieze as a Board approved mentor for Harold Dykema, D.C. James Weber did not participate during deliberation or voting at today's meeting. Abstained – James Weber. Motion carried.

STIPULATIONS

JEFFREY WILDER, D.C.

MOTION: Wendy Henrichs moved, seconded by Steven Silverman, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, in the matter of Jeffrey Wilder, D.C. Motion carried unanimously.

**DELIBERATION OF PROPOSED STIPULATIONS THAT MAY BE SIGNED
AFTER MAILING OF THE AGENDA**

None.

**DELIBERATION OF PROPOSED ADMINISTRATIVE WARNINGS
RECEIVED AFTER MAILING OF AGENDA**

None.

DELIBERATION OF VARIANCES

GREGORY R. DANIELS, D.C.

MOTION: Wendy Henrichs moved, seconded by Steven Silverman, to approve the Final Decision and Order with Variance in the matter of Gregory R. Daniels, D.C. Motion carried unanimously.

**DELIBERATION OF PROPOSED FINAL DECISIONS & ORDERS
THAT MAY BE SIGNED AFTER MAILING OF THE AGENDA**

None.

**DELIBERATION OF PETITIONS FOR REHEARINGS RECEIVED AFTER
THE MAILING OF THE AGENDA**

None.

DIVISION OF ENFORCEMENT CASE STATUS REPORT

MOTION: Steven Conway moved, seconded by Steven Silverman, to close case **02 CHI 007** for prosecutorial discretion. Motion carried unanimously.

MOTION: Steven Conway moved, seconded by Steven Silverman, to close case **02 CHI 021** for prosecutorial discretion. Motion carried unanimously.

MOTION: Wendy Henrichs moved, seconded by Char Glocke, to close case **02 CHI 075** for insufficient evidence. Motion carried unanimously.

MOTION: Wendy Henrichs moved, seconded by Char Glocke, to close case **03 CHI 057** for insufficient evidence. Motion carried unanimously.

MOTION: Wendy Henrichs moved, seconded by Susan Feith, to close case **03 CHI 024** for insufficient evidence regarding P. B.. Motion carried unanimously.

MOTION: Wendy Henrichs moved, seconded by Char Glocke, to close case **04 CHI 048** for P7. Motion carried unanimously.

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MOTION: Wendy Henrichs moved, seconded by Char Glocke, to close case **05 CHI 040** for P5, with a flag placed on the credentialing system. Motion carried unanimously.

MOTION: Wendy Henrichs moved, seconded by Susan Feith, to close case **05 CHI 014** for P2, compliance gained. Motion carried unanimously.

APPLICATION REVIEWS

None.

OTHER BOARD BUSINESS

None.

ADJOURNMENT

MOTION: Susan Feith moved, seconded by Steven Conway, to adjourn the meeting at 1:55 p.m. Motion carried unanimously.